

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED

MAR 20 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

v.

HASCALE SIMMONS,

APPELLANT

PETITION FOR ORDER TO RECONSTRUCT
THE RECORD OF APPELLANT'S
TRIAL TRANSCRIPT OR IN THE ALTERNATIVE
AN ORDER SETTING ASIDE HIS CONVICTIONS
AND ORDERING A NEW TRIAL

Appellate Case No.: 2011-189906

Pursuant to Rule 240 of the South Carolina Appellate Court Rules, undersigned counsel requests an order requiring the parties to reconstruct the record of the remaining portions of Appellant's trial transcript held on March 28-31, 2011 before the Honorable Carmen T. Mullen in Beaufort County. In the alternative, Appellant requests an order setting aside his convictions and ordering a new trial.

In accordance with Rule 240(c), SCACR, Counsel submits the following documents to support his motion: trial transcript index (Exhibit #1); page 126 of the transcript (Exhibit #2); page 127 of the transcript (Exhibit #3); notice of appeal (Exhibit

#4); sentence sheets (Exhibit #5); indictment (Exhibit #6); and state's witness list (Exhibit #7).

Upon receipt of appointment to represent Appellant, this office requested the trial transcript. Counsel received an incomplete transcript. Specifically, only *voir dire*, jury selection, sequestration motion, stipulation, preliminary charge by the court, opening statements, and testimony of four witnesses were transcribed. Exhibit #1. On the second page of the index, the court reporter indicated "The balance of session for March 29, 2011 as well as session for entire balance of trial did not appear on disk." Exhibit #1.

On page 126 of the transcript, the court reporter indicated: "Afternoon session of the court on March 29, 2011, as well as the balance of the trial, March 30, 2011, not available for transcription." On the last page of the transcript, the court reporter indicated "Afternoon session of Court on March 29, 2011, as well as balance of trial, March 30, 2011, not available for transcription." Exhibit #2.¹ Also, on page 127 of the transcript, which is the certificate page, the court reporter indicated: "The afternoon session of the record for March 29, 2011, and the day of March 30, 2011, did not appear on the disk as marked." Exhibit #3.

Furthermore, the notice of appeal and the sentence sheets indicated sentences were imposed on March 31, 2011. Exhibits #4 & #5. Thus, at a minimum, Appellant's trial transcript lacked the testimony, motions, and rulings on the afternoon of March 29, 2011, the entire day of March 30, 2011, and March 31, 2011.²

¹ Notably, the court reporter, Harriet P. Bennett, explained in her certificate that she prepared the transcript from the records of Deborah Everett. Exhibit #3.

² Counsel also noted that one testifying witness was identified as "Gator." As stated in the transcript, Gator's last name was inaudible. Exhibit #1.

On August 10, 2010, the State Grand Jury of South Carolina indicted Appellant for criminal conspiracy for acts occurring from October 1, 2009 until the date of the indictment, accessory after the fact of murder, which occurred on November 10, 2009, and accessory after the fact of assault and battery with intent to kill, which occurred on November 10, 2009. Exhibit #6. The indictment alleges a far-reaching conspiracy among alleged members of a criminal gang known as "Sand Hill." Appellant and fifteen others were indicted for alleged criminal conduct in the single superseding indictment issued by the State Grand Jury. Not surprising in light of the fact that it is a State Grand Jury case, the allegations in the indictment concern activities in Colleton, Beaufort, and Richland Counties. Exhibit #6.

Counsel is working to ascertain the number and names of the witnesses who testified at trial, but whose testimony is not available due to the lack of a transcript. Counsel found the state's witness list, which lists twenty-one people, in the Clerk of Court's file. Exhibit #7.³

When a trial transcript has been lost or destroyed, the Court may remand to have the record reconstructed. Whitehead v. State, 352 S.C. 215, 574 S.E.2d 200 (2002); China v. Parrott, 251 S.C. 329, 162 S.E.2d 276 (1968); Koon v. State, 358 S.C. 359, 367, 595 S.E.2d 456, 460 (2004); Dolive v. J.E.E. Developers, Inc., 308 S.C. 380, 383, 418 S.E.2d 319, 321 (Ct. App. 1992); State v. Ladson, 373 S.C. 320, 325, 644 S.E.2d 271, 273-274 (Ct. App. 2007). A significant portion of Appellant's trial transcript has been lost and is no longer available through no fault of Appellant. It appears the court reporter's equipment malfunctioned on the first day of trial during the lunch break.

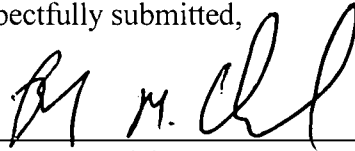
³ The incomplete transcript includes the testimony of Alicia Kittrell and Lamont Kittrell, who are named on the state's witness list.

Therefore, meaningful review of the record below is not possible with the current transcript. Appellant seeks reconstruction of the record to permit meaningful appellate review of his trial.

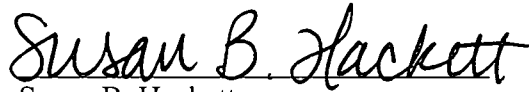
In the alternative, Appellant requests this Court set aside his convictions and sentences and remand for a new trial because the transcript fails to permit meaningful review. In Deaton v. Leath, 279 S.C. 82, 84, 302 S.E.2d 335, 336 (1983), the defendant's convictions were set aside and a new trial had where the court reporter's equipment malfunctioned and there was no transcript of the trial court proceedings in the case from which to base an appeal. Citing Deaton, this Court denied a request for reconstruction in State v. Serrette, 375 S.C. 650, 652-653; 654 S.E.2d 554, 555 (Ct. App. 2007) where the reason for the lack of transcript was due to the defendant's absence for a ten-year period, which this Court explained was "not a situation where the court reporter's equipment malfunctioned at trial leading to a loss of the trial transcript." Appellant was not at fault for the absence of significant portions of his transcript. As a result, Appellant requests this Court order a new trial in his case.

WHEREFORE, the undersigned counsel requests an order for the reconstruction of the remaining portions of Appellant's trial transcript in order to perfect Appellant's direct appeal in the case. In the alternative, Appellant requests this Court set aside his convictions and remand for a new trial. While this petition is pending, Appellant asks this Court to hold the timelines for filing his initial brief and designations in abeyance.

Respectfully submitted,



Robert M. Dudek
Chief Appellate Defender



Susan B. Hackett
Appellate Defender

March 20, 2013

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County

Carmen T. Mullen, Circuit Court Judge

RECEIVED

MAR 20 2013

SC Court of Appeals

THE STATE,

RESPONDENT,

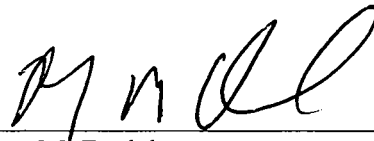
v.

HASCALE SIMMONS,

APPELLANT

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies the petition for order to reconstruct the sentencing portion of appellant's trial transcript in the above referenced case has been served upon Salley Elliott, Esquire, Assistant General, Office of the Attorney General, Rembert Dennis Building, 1000 Assembly Street, Rm. 519, Columbia, SC 29201, this 20th day of March, 2013.



Robert M. Dudek
Chief Appellate Defender

ATTORNEY FOR PETITIONER

SUBSCRIBED AND SWORN TO before me
this 20th day of March, 2013.

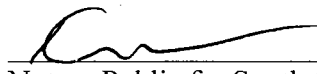
 (L.S.)
Notary Public for South Carolina
My Commission Expires: October 2, 2013

Exhibit #1

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I N D E X

Direct-Redirect Cross-Recross

Jury Voir Dire	6	
Jury Selection	16	
Sequestration Motion	21	
Stipulation	22	
Preliminary charge by the Court	24	
Opening statements:		
By Mr. Goins	30	
By Mr. Plexico	35	
ALICIA KITTRELL		
By Mr. Pauling	39	
By Mr. Plexico		53
LAMONT KITTRELL		
By Mr. Going	57-77,79	
By Mr. Plexico		73-77,79
COLLIN ELLISON		
By Mr. Pauling	80-103	
By Mr. Plexico		98-104
GATOR (Inaudible last name)		
By Mr. Goings	105-124	
By Mr. Plexico		119

1 INDEX CONTINUED:

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3 TRANSCRIBER NOTE: The balance of session for March 29, 2011,
4 as well as session for entire balance of trial did not
5 appear on disk.

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EXHIBITS

1

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3 S1 through S5 Photographs Admitted in Ev. p. 47

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Exhibit #2

1 MR. PLEXICO: Nothing from the Defense.

2 THE COURT: I would ask the attorneys to be back
3 at two fifteen.

4 (Whereupon, the Court stood in recess)

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6 TRANSCRIPTION NOTE: Afternoon session of Court on
7 March 29, 2011, as well as balance of trial, March 30,
8 2011, not available for transcription.

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Exhibit #3

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CERTIFICATE

I, HARRIET P. BENNETT, Official Court Reporter for South Carolina Court Administration, hereby certify that the within portion of transcript was prepared from the records of Deborah Everett, as taken in the Court of General Sessions for Beaufort County, South Carolina, and prepared to the best of my ability.

The afternoon session of the record for March 29, 2011, and the day of March 30, 2011, did not appear on the disk as marked.

FURTHER, I certify that I am neither of kin nor counsel to any party to this matter, nor do I have any interest in the same.

February 7, 2013



Exhibit #4

**THE STATE OF SOUTH CAROLINA
In the Appellate Court**

**APPEAL FROM BEAUFORT COUNTY
Court of General Sessions**

Carmen T. Mullen, Circuit Court Judge

Case No(s): 2010-GS-47-0005

The State,

Respondent.

v.

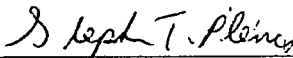
Hascale Simmons,

Appellant.

NOTICE OF APPEAL

Hascale Simmons appeals his conviction and sentence in this case. The sentence was imposed by the Honorable Carmen T. Mullen on March 31, 2011.

Date: April 7, 2011



Stephen T. Plexico, Esq.
Public Defender's Office
Allendale and Hampton Counties
P.O. Box 506
Hampton, S.C. 29924
Attorney for Appellant

Other Counsel of Record:
Cary Nicholas Goings, Esq.
Assistant Attorney General
PO Box 11549
Columbia, S.C. 29211
Attorney for Respondent

Exhibit #5

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE South Carolina

FILED

INDICTMENT/CASE#: 2010 -GS- 47 - 05

vs.
Hascale Simmons

MAR 31 2011

JAMES R. PARKS
CLERK OF STATE GRAND JURY

AW#: DP
Date of Offense: Nov. 9, 2009
S.C. Code §: 16-1-40
CDR Code #: ~~2002~~ 0002

AKA:
Race: B Sex: M
DOB: SS#:
Address:
City, State, Zip:
DL# * SID#
*CDL Yes No CMV Yes No Hazmat Yes No

SENTENCE SHEET

(0-20yrs)

In disposition of the said indictment comes now the Defendant who was CONVICTED OF or PLEADS TO: Accessory Before the Fact (Assault and Battery w/ Intent to Kill)
In violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # ~~2002~~ 0002
 NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS §17-25-45 (CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentation to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST: *C. G. [Signature]* Solicitor SC Bar # 72512 *H. [Signature]* Defendant SC Bar # *Steph T. Phipps* Attorney for Defendant SC Bar # 012014

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center, for a determinate term of 20 days/months/years or under the Youthful Offender Act not to exceed _____ years and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment of \$ _____; plus costs and assessments as applicable; the balance is suspended with probation for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:
 The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State Department of Corrections.
 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:
 RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

Set by SCDPPPS

Obtain GED

Attend Voc. Rehab. Or Job Corp.

Recipient:

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5.00
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)	\$	\$ 3.90
TOTAL		\$ 133.90

May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund

Other:

Conditional Discharge, §44-53-450(C) requires \$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel, §47.12 requires \$500 be paid to Clerk during probation.

Presiding Judge *A. Muller*
Judge Code: 2142
Sentence Date 3-31-11

Clerk of Court (Deputy Clerk) *Margaret J. Seif*
Court Reporter: *Deborah Everett*
SCCA/217 (06/2010)

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE South Carolina

FILED

INDICTMENT/CASE#: 2010 -GS- 27 - 05

vs.
Hascale Simmons

MAR 31 2011

AW#: DP

Date of Offense: Nov. 9, 2009

JAMES R. PARKS
CLERK, STATE GRAND JURY

S.C. Code §: 16-17-410

CDR Code #: 0049

AKA:
Race: B Sex: M
DOB: SS#:
Address:
City, State, Zip:
DL# * SID#

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was

CONVICTED OF or PLEADS

10-5 yrs.

TO: Criminal Conspiracy

In violation of § 16-17-410 of the S.C. Code of Laws, bearing CDR Code # 0049

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:

[Signature]
Solicitor Asst. #6

72512
SC Bar #

[Signature]
Defendant

[Signature]
Attorney for Defendant

012014
SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,

for a determinate term of ~~30~~ days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
incorporated by reference.

CONCURRENT or CONSECUTIVE to sentence on:

The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by the State
Department of Corrections.

The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

*Fine:		\$	
§14-1-206 (Assessments 107.5%)		\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$	100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$	
§56-5-2995 (DUI Assessment)	\$12	\$	
§56-1-286 (DUI Breath Test)	\$25	\$	
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§14-1-213 (Drug Court Surcharge)	\$150	\$	
§50-21-114 (BUI Breath Test Fee)	\$50	\$	
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5.00
§44-53-450(C) (Conditional Discharge)	\$350	\$	3.90
3% to County (if paid in installments)		\$	
TOTAL			\$ 133.90

May serve W/E beginning
Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund

Other:

Conditional Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk *Margaret J. Seitz*
Court Reporter: *Deborah Everett*
SCCA/217 (06/2010)

Presiding Judge *[Signature]*
Judge Code: 2142
Sentence Date: 3-31-11

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Beaufort
STATE South Carolina

FILED

INDICTMENT/CASE#: 2010-GS-47-05

Hascale vs. Simmons

AKA:
Race: B Sex: M
DOB: SS#:
Address:
City, State, Zip:
DL# * SID#

MAR 31 2011
Age:
JAMES R. PARKS
CLERK, STATE GRAND JURY

AW#: DP
Date of Offense: Nov. 9, 2009
S.C. Code §: 16-1-40
CDR Code #: ~~0002~~ 0002

SENTENCE SHEET

*CDL Yes No CMV Yes No Hazmat Yes No

In disposition of the said indictment comes now the Defendant who was
TO: Accessory Before the Fact to Murder

CONVICTED OF or PLEADS (30 life)

In violation of § 16-1-40 of the S.C. Code of Laws, bearing CDR Code # ~~0002~~ 0002

NON-VIOLENT VIOLENT SERIOUS MOST SERIOUS Mandatory GPS \$17-25-45
(CSC w/minor 1st or Lewd Act)

The charge is: As indicted, Lesser Included Offense, Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: Without Negotiations or Recommendation, Negotiated Sentence, Recommendation by the State.

ATTEST:
[Signature] 72512 [Signature] [Signature]
Solicitor General SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the State Department of Corrections County Detention Center,
for a determinate term of life days/months/years or under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____ ; provided that upon the service of _____ days/months/years and or payment
of \$ _____ ; plus costs and assessments as applicable*; the balance is suspended with probation for
months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are
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 The Defendant is to be placed on Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C. Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

RESTITUTION: Deferred Def. Waives Hearing Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____ days/hours Public Service Employment

Payment Terms:

Obtain GED

Set by SCDPPPS

Attend Voc. Rehab. Or Job Corp.

Recipient:

May serve W/E beginning

*Fine:	\$	
§14-1-206 (Assessments 107.5%)	\$	
§14-1-211 (A)(1)(Conv. Surcharge)	\$100	\$ 100.00
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$ 25.00
Proviso 47.9 (Public Def/Prob)	\$500	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$
§14-1-213 (Drug Court Surcharge)	\$150	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
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Proviso 90.5 (SCJA Surcharge)	\$5	\$ 5.00
§44-53-450(C) (Conditional Discharge)	\$350	\$
3% to County (if paid in installments)		\$ 3.90
TOTAL		\$ 133.90

Substance Abuse Counseling
Random Drug/Alcohol Testing
Fine may be pd. in equal consecutive weekly/monthly
pmts. of \$ _____ Beginning
\$ _____ Paid to Public Defender Fund

Other:

Conditional Discharge, §44-53-450(C) requires
\$350 be paid to the Clerk prior to case disposition
 Appointed PD or appointed other counsel,
§47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/Deputy Clerk Margaret D. Selig
Court Reporter: Deborah Everett
SCCA/217 (06/2010)

Presiding Judge [Signature]
Judge Code: 2142
Sentence Date 3-31-11

Exhibit #6

STATE GRAND JURY OF SOUTH CAROLINA

STATE OF SOUTH CAROLINA

V.

HASCALE JEVOR SIMMONS,
DANZIEL AKEEM CHAPMAN
LARON BENNETT
LATRELL BERNARD FRYAR
PHILIP DUSTIN SINGLETON
DESHAUN QUATRELL HOLMES
GREGORY LAMAR MIDDLETON
VERA FORD
PHYLLIS ELAINE SIMMONS
QUINTON JOHN FISHBURNE
ELIJAH DEAL
COURTNEY DENARD SINGLETON
SHAQUILLE O'NEAL DRAYTON
AMANI SHERELL HILLS
ASHAY SHABIRA DANIELS
PRESTON TREMAINE ROBERTS

CASE NO.: 2010-GS-47-05

**SUPERSEDING INDICTMENT
FOR
CRIMINAL GANGS**

FILED

AUG 10 2010

JAMES R. PARKS
CLERK, STATE GRAND JURY

Criminal Conspiracy
Common Law
(1 count)

Murder
S.C. Code Ann. § 16-3-10
(3 counts)

Assault and Battery with Intent to Kill
S.C. Code Ann § 16-3-620
(4 counts)

Perjury - False Testimony Under Oath
S.C. Code Ann. §16-9-10 (A)(1)
(3 counts)

Accessory before the Fact - Murder
(Common Law)
(1 count)

Accessory after the Fact - Murder
S.C. Code Ann. § 16-1-55
(2 counts)

Accessory before the Fact - ABWIK
(Common Law)
(1 count)

Accessory after the Fact - ABWIK
S.C. Code Ann. § 16-1-55
(2 counts)

Possess or Dispose of stolen vehicle, value
\$5,000 or more

S.C. Code Ann. §16-21-80(3)
(1 count)

Arson – 3d degree

S.C. Code Ann. § 16-11-110(C)
(1 count)

Possession of a weapon during the
commission of a violent crime

S.C. Code Ann. §16-23-490
(1 count)

Obstruction of Justice

Common Law
(1 count)

Possession with Intent to Distribute Crack

S.C. Code Ann. §44-53-375(B)(1)
(2 Counts)

At a session of the State Grand Jury of South Carolina, convened in Columbia,
South Carolina on August 10, 2010, the State Grand Jurors present upon their oath:

COUNT ONE
CRIMINAL CONSPIRACY
S.C. Code Ann. § 16-17-410

That HASCALE JEVOR SIMMONS a.k.a. "Perlo", DANZIEL AKEEM
CHAPMAN a.k.a. "Weezy", LARON BENNETT, LATRELL BERNARD FRYAR a.k.a.
"Trell", PHILIP DUSTIN SINGLETON, COURTNEY DENARD SINGLETON a.k.a.
"C-Lo", DESHAUN QUATRELL HOLMES a.k.a. "Dizzle", GREGORY LAMAR
MIDDLETON, SHAQUILLE O'NEAL DRAYTON a.k.a. "Shack", QUINTON JOHN
FISHBURNE a.k.a. "Q", ELIJAH DEAL, VERA FORD, PHYLLIS ELAINE

SIMMONS, PRESTON TREMAINE ROBERTS, ELIJAH DEAL, AMANI SHERELL HILLS and other persons whose names are both known and unknown to the State Grand Jury as members of a criminal gang as defined by §16-8-230(2), did in Colleton, Beaufort and Richland counties, South Carolina, from on or about October 1, 2009 until the present, willfully and knowingly combine with one or more persons for the purpose of accomplishing an unlawful object or lawful object by unlawful means. To wit: As members of "SAND HILL", HASCALE JEVOR SIMMONS a.k.a. "Perlo", DANZIEL AKHEEM CHAPMAN a.k.a. "Weezy", LARON BENNETT, LATRELL BERNARD FRYAR a.k.a. "Trell", PHILIP DUSTIN SINGLETON, COURTNEY DENARD SINGLETON a.k.a. "C-Lo", DESHAUN QUATRELL HOLMES a.k.a. "Dizzle", GREGORY LAMAR MIDDLETON, SHAQUILLE O'NEAL DRAYTON a.k.a. "Shack", QUINTON JOHN FISHBURNE a.k.a. "Q", ELIJAH DEAL, VERA FORD, PHYLLIS ELAINE SIMMONS, PRESTON TREMAINE ROBERTS, ELIJAH DEAL, AMANI SHERELL HILLS combined with one or more persons for the purpose of accomplishing unlawful objects, including, but not limited to MURDER, ASSAULT AND BATTERY WITH INTENT TO KILL, ASSAULT WITH INTENT TO KILL, PERJURY - FALSE TESTIMONY UNDER OATH, POSSESSION OF A WEAPON DURING A CRIME OF VIOLENCE, DISTRIBUTION OF COCAINE, ACCESSORY BEFORE THE FACT, ACCESSORY AFTER THE FACT, OBSTRUCTION OF JUSTICE and ARSON 3RD DEGREE in violation of § 16-17-410 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT TWO
MURDER
S.C. Code Ann. § 16-3-10

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON, did in Colleton County, South Carolina, on or about November 9, 2009, willfully with malice aforethought, cause the death of Shaniyah Burden, a human being. To wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and kill Shaniyah Burden, a 20-month-old child, in violation of § 16-27-30 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT THREE
MURDER
S.C. Code Ann. § 16-3-10

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, willfully with malice aforethought, cause the death of Christopher Powell, a human being. To wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip

Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and kill Christopher Powell in violation of § 16-27-30 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT FOUR
MURDER
S.C. Code Ann. § 16-3-10

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, willfully with malice aforethought, cause the death of Charles Kitrell, a human being. To wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and kill Charles Kitrell in violation of § 16-27-30 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT FIVE
ASSAULT AND BATTERY WITH INTENT TO KILL
S.C. Code Ann. §16-3-620

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, with malice aforethought commit an assault and battery upon one Khalil Fulks, by shooting the victim with a gun with intent to kill the said victim. To wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and injure Khalil Fulks with the intent to cause death in violation of § 16-3-620 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT SIX
ASSAULT AND BATTERY WITH INTENT TO KILL
S.C. Code Ann. §16-3-620

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, with malice aforethought commit an assault and battery upon one Allen Fair, by shooting the victim with a gun, with intent to kill the said victim; to wit: Danziel Akeem Chapman,

Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and injure Allen Fair with the intent to cause death in violation of § 16-3-620 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT SEVEN
ASSAULT AND BATTERY WITH INTENT TO KILL
S.C. Code Ann. §16-3-620

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, with malice aforethought commit an assault and battery upon one Terrance White, by shooting the victim with a gun, with intent to kill the said victim; to wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and injure Terrance White with the intent to cause death in violation of § 16-3-620 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT EIGHT
ASSAULT AND BATTERY WITH INTENT TO KILL
S.C. Code Ann. §16-3-620

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County, South Carolina, on or about November 9, 2009, with malice aforethought commit an assault and battery upon one Alishia Kitrell, by shooting the victim with a gun, with intent to kill the said victim; to wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin Singelton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did shoot and injure Alishia Kitrell with the intent to cause death in violation of § 16-3-620 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT NINE
POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT
CRIME
S.C. Code Ann. §16-23-490

That DANZIEL AKEEM CHAPMAN, LARON BENNETT, LATRELL BERNARD FRYAR, PHILIP DUSTIN SINGLETON, DESHAUN QUATRELL HOLMES, GREGORY LAMAR MIDDLETON and SHAQUILLE O'NEAL DRAYTON did in Colleton County on or about November 9, 2009, possess or visibly display a firearm during the commission or attempted commission of a violent crime; to wit: Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Philip Dustin

Singleton, Deshaun Quatrell Homes, Gregory Lamar Middleton and Shaquille O'Neal Drayton did possess a firearm(s) during the commission of murder, a violent crime as defined by §16-1-60, in violation of §16-23-490, of the South Carolina Code of Laws, (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT TEN
ACCESSORY BEFORE THE FACT TO A FELONY (MURDER)
S.C. Code Ann §16-1-40

That HASCALE JEVOR SIMMONS did in Colleton County, South Carolina, on or about November 9, 2009, abet, counsel, hire or otherwise procure the commission of the felony of murder, by the principal felon(s); to wit: Hascale Simmons did abet, counsel, hire or otherwise procure the commission of the felony of the murder(s) of Shanyiah Burden, Charles Kittrell and Christopher Powell by the principal felon(s) Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Gregory Lamar Middleton, Philip Dustin Singleton, Shaquille O'Neal Drayton, and Deshaun Quatrell Holmes in violation of §16-1-40 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT ELEVEN
ACCESSORY BEFORE THE FACT TO A FELONY (ASSAULT AND BATTERY
WITH INTENT TO KILL)
S.C. Code Ann §16-1-40

That HASCALE JEVOR SIMMONS did in Colleton County, South Carolina, on or about November 9, 2009, abet, counsel, hire or otherwise procure the commission of the felony of assault and battery with intent to kill, by the principal felon(s); to wit: Hascale Simmons did abet, counsel, hire or otherwise procure the commission of the felony of the assault and battery with intent to kill upon Kalil Fulks, Allen Fair, Alishia Kittrell and Terrance White by the principal felon(s) Danziel Akeem Chapman, Laron Bennett, Latrell Bernard Fryar, Gregory Lamar Middleton, Philip Dustin Singleton, Shaquille O'Neal Drayton, and Deshaun Quatrell Holmes in violation of § 16-1-40 of the South Carolina Code of Laws (1976) as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT TWELVE
PERJURY – FALSE TESTIMONY UNDER OATH
S.C. Code Ann. § 16-09-010(A)(1)

That VERA FORD, did in Richland County, South Carolina, on or about March 9, 2010, willfully give false, misleading, or incomplete testimony under oath in a court of record, judicial, administrative, or regulatory proceeding in this State; to wit: Vera Ford did give false, misleading or incomplete testimony before the State Grand Jury concerning Shaquille O'Neal Drayton's whereabouts on the night of November 9, 2009, in violation of § 16-09-010(A)(1), Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang

activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

**COUNT THIRTEEN
OBSTRUCTION OF JUSTICE
COMMON LAW**

That VERA FORD did in Colleton County on or about November 11, 2009, obstruct, impede, and/or hinder the administration of justice; to wit: Vera Ford did obstruct, impede and/or hinder the administration of justice by directing a material witness to provide a false alibi to law enforcement, thus hindering the investigation, in violation of the Common Law of South Carolina, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

**COUNT FOURTEEN
ACCESSORY AFTER THE FACT (MURDER)
S.C. Code Ann. § 16-1-55**

That VERA FORD did in Colleton County on or about November 23, 2009, knowing the commission and completion of the felony of murder, by the principal felon(s) aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime; to wit: Vera Ford knowing the commission and completion of the felony of the murder(s) of Shaniyah Burden, Charles Kittrell and Christopher Powell by the principal felon Shaquille Drayton did aid, harbor, and assist such felon to escape detection or arrest or otherwise avoid the consequences of the crime

by providing a false alibi to law enforcement, in violation of §16-1-55, Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT FIFTEEN
ACCESSORY AFTER THE FACT (ABWIK)
S.C. Code Ann. § 16-1-55

That VERA FORD did in Colleton County on or about November 23, 2009, knowing the commission and completion of the felony of ASSAULT AND BATTERY WITH INTENT TO KILL, by the principal felon(s) aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime; to wit: Vera Ford, knowing the commission and completion of the felony of ASSAULT AND BATTERY WITH INTENT TO KILL upon Kalil Fulks, Allen Fair, Alishia Kittrell and Terrance White by the principal felon Shaquille Drayton, did aid, harbor, and assist such felon to escape detection or arrest or otherwise avoid the consequences of the crime by providing a false alibi to law enforcement in violation of §16-1-55, Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT SIXTEEN
PERJURY – FALSE TESTIMONY UNDER OATH
S.C. Code Ann. § 16-09-010(A)(1)

That PHYLLIS ELAINE SIMMONS, did in Richland County, South Carolina, on or about March 9, 2010, willfully give false, misleading, or incomplete testimony under oath in a court of record, judicial, administrative, or regulatory proceeding in this State; to wit: Phyllis Elaine Simmons did give false, misleading or incomplete testimony before the State Grand Jury concerning the circumstances surrounding the gunshot damage to her vehicle, a 2000 Cadillac Seville, in violation of § 16-09-010(A)(1), Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT SEVENTEEN
PERJURY – FALSE TESTIMONY UNDER OATH
S.C. Code Ann. § 16-09-010(A)(1)

That AMANI SHERELL HILLS, did in Richland County, South Carolina, on or about March 9, 2010, willfully give false, misleading, or incomplete testimony under oath in a court of record, judicial, administrative, or regulatory proceeding in this State; to wit: Amani Sherell Hills did give false, misleading or incomplete testimony before the State Grand Jury concerning the whereabouts of Danziel Chapman on the night of November 9, 2009, in violation of § 16-09-010(A)(1), Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT EIGHTEEN
ACCESSORY AFTER THE FACT (MURDER)
S.C. Code Ann. § 16-1-55

That QUINTON FISHBURNE, ELIJAH DEAL and PRESTON ROBERTS did in Colleton County, South Carolina, on or about November 10, 2009, knowing the commission and completion of the felony of murder, aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime; to wit: Quinton Fishburne, Elijah Deal and Preston Roberts, knowing the commission and completion of the felony of the murder(s) of Shaniyah Burden, Charles Kittrell and Christopher Powell by the principal felon(s) Danziel Chapman, Laron Bennett, Latrell Fryar, Shaquille Drayton, Philip Singleton, Deshaun Holmes, Gregory Middleton and Hascale Simmons, did aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime, in violation of §16-1-55, Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT NINETEEN
ACCESSORY AFTER THE FACT (ABWIK)
S.C. Code Ann. § 16-1-55

That QUINTON FISHBURNE, ELIJAH DEAL and PRESTON TREMAINE ROBERTS did in Colleton County on or about November 10, 2009, knowing the commission and completion of the felony of assault and battery with intent to kill, by the principal felon(s) aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime; to wit: Quinton Fishburne, Elijah Deal

and Preston Tremaine Roberts knowing the commission and completion of the felony of assault and battery with intent to kill upon Kalil Fulks, Allen Fair, Alishia Kittrell and Terrance White by the principal felon(s) Danziel Chapman, Laron Bennett, Latrell Fryar, Shaquille Drayton, Philip Singleton, Deshaun Holmes, Gregory Middleton and Hascale Simmons, did aid, harbor, and assist such felon(s) to escape detection or arrest or otherwise avoid the consequences of the crime, in violation of §16-1-55, Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

COUNT TWENTY
ARSON – 3RD DEGREE
S.C. Code Ann. § 16-11-110 (C)

That ELIJAH DEAL, PRESTON TREMAINE ROBERTS, LATRELL BERNARD FRYAR and SHAQUILLE O'NEAL DRAYTON did in Colleton County on or about November 10, 2010, willfully and maliciously caused an explosion, set fire to, burned, or caused to be burned an automobile or other motor vehicle and/or personal property with the intent to destroy or damage the automobile or other motor vehicle by explosion or fire. To wit: Elijah Deal, Preston Tremaine Roberts, Latrell Bernard Fryar and Shaquille O'neal Drayton did cause an explosion, set fire to, burned or caused to be burned a 2000 Infiniti I30 (VIN: JNKCA31A6YT213448) in violation of §16-11-110 (C) of Code of Laws of South Carolina, (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

**COUNT TWENTY-ONE
POSSESS OR DISPOSE OF STOLEN VEHICLE,
VALUE \$5,000 OR MORE
S.C. CODE ANN. §16-21-80(3)**

That PRESTON TREMAINE ROBERTS, LATRELL BERNARD FRYAR and SHAQUILLE O'NEAL DRAYTON did in Colleton County on or about November 10, 2009, receive, possess, sell, conceal, or dispose of a stolen vehicle, valued at more than Five Thousand Dollars. To wit: Preston Tremaine Roberts, Latrell Bernard Fryar and Shaquille O'Neal Drayton did receive, possess, sell, conceal, or dispose of a 2000 Infiniti I30 (VIN: JNKCA31A6YT213448) belonging to Jermaine Cornelius Fishburne, knowing it to be stolen or converted under circumstances constituting a crime, in violation of §16-21-80 (3), of Code of Laws of South Carolina (1976), as amended, such conduct arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

**COUNT TWENTY-TWO
POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
S.C. CODE ANN. §44-53-375(B)(1)**

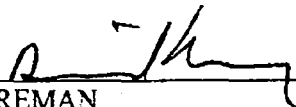
That COURTNEY DENARD SINGLETON did in Colleton County on or about July 23, 2010, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver or purchase a quantity of Crack Cocaine, a controlled substance under provisions of § 44-53-110, *et. seq.*, of the South Carolina Code of Laws, (1976), as amended, such possession not having been authorized by law and arising out of, or involving, a criminal gang or a pattern of criminal gang

activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

**COUNT TWENTY-THREE
POSSESSION WITH INTENT TO DISTRIBUTE CRACK COCAINE
S.C. CODE ANN. §44-53-375(B)(1)**

That PHILIP DUSTIN SINGLETON did in Colleton County on or about June 30, 2010, manufacture, distribute, dispense, deliver, purchase or aid, abet, attempt, or conspire to manufacture, distribute, dispense, deliver, or purchase, or possess with intent to manufacture, distribute, dispense, deliver or purchase quantity of Crack Cocaine, a controlled substance under provisions of § 44-53-110, *et. seq.*, of the South Carolina Code of Laws, (1976), as amended, such possession not having been authorized by law and arising out of, or involving, a criminal gang or a pattern of criminal gang activity pursuant to the provisions of § 14-7-1630(A)(2) of the South Carolina Code of Laws as amended.

A True Bill


FOREMAN



HENRY MCMASTER (tdp)
ATTORNEY GENERAL

Exhibit #7

STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT)

COURT OF GENERAL SESSIONS

Indictment No : 2010-GS-47-06

The State)

v)

Hascale Simmons)
Defendant)
_____)

WITNESS LIST

The State, with regards to the above referenced case, believes that the following witnesses may be called at trial:

- 1) Aleshia Kittrell
- 2) Lamont Kitrell
- 3) Patrice Stevens
- 4) Allen Fair
- 5) Arnold Ellison
- 6) Khalil Fulks
- 7) David Owens
- 8) Terrance White
- 9) Ashay Daniels
- 10) Sharon Donaldson
- 11) Wanda Fishburnre
- 12) Tyecha Coaxum
- 13) Sherree Washington
- 14) Dexter Griffin
- 15) Joe Albayalde, SLED
- 16) Dan Russell, SLED
- 17) Jamie Greene, SLED
- 18) Tavera Edwards, City of Walterboro PD
- 19) Cynthia Schandl, MUSC
- 20) Angela Stallings, 14th Circuit Solicitor's Office
- 21) Andy Polite, Colleton County Sheriff's Office



SCCID

SOUTH CAROLINA COMMISSION ON INDIGENT DEFENSE

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Robert M. Dudek, Chief Appellate Defender
Wanda H. Carter, Deputy Chief Appellate Defender

March 20, 2013

RECEIVED

MAR 20 2013

The Honorable Jenny Abbott Kitchings
Clerk, S.C. Court of Appeals
Post Office Box 11629
Columbia, South Carolina 29211

SC Court of Appeals

Re: State v. Hascale Simmons

Dear Ms. Kitchings,

Enclosed please find the original and six copies of the petition for order to reconstruct the sentencing portion of appellant's trial transcript in the above case.

If you have any questions concerning this matter, please contact me.

Sincerely,

Robert M. Dudek
Chief Appellate Defender

RMD/kam

Enclosures